

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 30, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, April 30, 2001**

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:09 p.m.

Mayor Murphy welcomed and presented the Key to the City to the Mayor from Alcala De Henarez, Spain; Manuel Peinado. Mayor Peinado donated to the City of San Diego \$5,000 for the Casa De Espana in Balboa Park.

The meeting was recessed by Mayor Murphy at 4:15 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:27 p.m. with Council Member Atkins not present and District 6 vacant. Mayor Murphy adjourned the meeting at 5:45 p.m. into Closed Session at 9:00 a.m. on Tuesday, May 1, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District 6-vacant

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District 6-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor James Gilbert of Fairmount Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding “public comment plus,” and his reference to a 1890 ethics book that established a San Diego City Council pattern.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-135.)

PUBLIC COMMENT-2:

Comment by Margaret Peary stating that she wasn’t so sure that this is America’s finest city. Ms. Peary also commented on high gas prices; higher housing costs; numerous sewage spills; and poor air quality.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-175.)

PUBLIC COMMENT-3:

Comment by Steve McWilliams regarding “High Times Magazine;” Cannabis Club establishment; Proposition 215; and “Shelter From The Storm.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A176-217.)

PUBLIC COMMENT-4:

Comment by Reverend James Gilbert regarding land use in City Heights, and that it was his feeling that some people are being forced out of the community because they are low income housing individuals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A217-247.)

**PUBLIC COMMENT-5: REFERRED TO THE CITY MANAGER
REFERRED TO NR&C & LU&H**

Comment by Marc Snelley regarding traffic in District 2; North Bay development; Sea World; and that hazardous materials pose a threat in landfill sites.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-320.)

PUBLIC COMMENT-6:

Comment by Ken Loch regarding starting a web page, and a reminder to remain aware of a code of ethics to govern your own selves.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A320-375.)

PUBLIC COMMENT-7: REFERRED TO THE CITY MANAGER

Comment by Linda Smith regarding asking someone to speak for her, and to read her statement. City Clerk Chuck Abdelnour read Ms. Smith's statement. Ms. Smith expressed that Council Member Atkins really cared about pot holes in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-410.)

PUBLIC COMMENT-8: REFERRED TO THE CITY MANAGER

Comment by Will Young Sr. regarding the baseball park being built; horrified at all the people sleeping on the streets; that some have dedicated their lives to this country; and that tourists will not want to see people sleeping on the street. Mr. Young also stated that you need to have \$40,000 per year income just to live.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A413-450.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Wear wishing to respond to the comments regarding the Veterans, stating that he is very proud of the City Council in that as part of the closure of NTC the Council funded approximately two million dollars to expand the Vietnam Veteran Facility on Pacific Highway. "We believe it is within our reach to actually have a year round Veterans shelter on the north parking lot of the Post Office sometime starting next year." Council Member Wear wished to thank Mayor Murphy, Council Member Peters, and Council Member Madaffer who attended the Regis Summit "Shaping Our Future."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A451-462.)

COUNCIL COMMENT -2:

Comment by Council Member Atkins wishing to thank those people who made it up to Normal Heights over the weekend to the annual "Roots Festival," and to acknowledge the Adams Avenue Business Association for another wonderful event that highlighted local artists, musicians, in addition to different cultural music from across the County. Council Member Atkins wished to thank Lou Curtis who has done this year after year, and to thank the Mayor and mention Saturdays' "Founders Plaza," the dedication in Balboa Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A466-500.)

COUNCIL COMMENT-3:

Comment by Mayor Murphy that it is important in our city that we remember our heritage, and this generous contribution from the North family and the North family trust, making the creation of "Founders Plaza" in Balboa Park possible. Mayor Murphy expressed gratitude and wished not to forget Alonzo Horton for creating the park; over 1400 acres. Mayor Murphy expressed we should not take Balboa Park for granted. Mayor Murphy also stated it was important that we honor those who had a vision in the eighteen hundreds, and that Council Member Atkins and himself were there for the dedication ceremony to honor those founders, and the North family for their generous contribution.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A500-515.)

COUNCIL COMMENT-4: **REFERRED TO THE CITY MANAGER
REFERRED TO NR&C**

Comment by Council Member Peters regarding horseback riding with his family in the Penasquitos preserve over the weekend, and that he would like to continue the use of the Preserve in that it is an important amenity, and an important part of the whole history of the area. Council Member Peters stated that this is something we are trying to do on the Carmel Valley side with the horse ranch, and perhaps this can be brought back to NR&C. Secondly, Council Member Peters expressed concern of the grooming done on the beach; raking the sand. Grunions completely come out of the water to lay their eggs in the wet sand. Council Member Peters asked that the City Manager work with Project Pacific who has really taken an interest in this, and to review the grooming procedures to make sure we are not interfering with the grunions laying their eggs to the extent we can avoid it.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A515-534.)

COUNCIL COMMENT-5:

Comment by Council Member Maienschein wishing to express agreement with Council Member Peters regarding the Penasquitos preserve. Council Member Maienschein stated he wished to thank the community of Linda Vista for the Cultural Faire, and for all they did to make the parade, and the entire day a really fun and festive time to showcase their community so well. Council Member Maienschein wished to thank Council Member Wear for attending.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A535-541.)

COUNCIL COMMENT-6:

Comment by Deputy Mayor Stevens wishing to make a special presentation to the Mayor who in returning to the City of San Diego, now has concluded five years of service. Deputy Mayor Stevens presented the Mayor with his five-year pin.

The Mayor thanked Deputy Mayor Stevens stating that he was a City Council Member from 1980 to 1985, and was in that capacity just short of five years serving on the Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A545-555;A556-569.)

ITEM-200: Sale of City Property - NEC Scripps Poway Parkway/Freeway 15.

(Continued from the meeting of 4/2/2001, Item 201, at the request of the City Manager to address concerns about bike lanes and whether or not this property could be used in a different manner.)

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1281) CONTINUED TO TUESDAY, JUNE 5, 2001

Authorizing the sale of 0.5944 acres or 25,892 square feet owned by the City of San Diego to Shea Homes for the amount of \$240,000;

Authorizing the execution of a quitclaim deed, granting to Shea Homes a portion of Section 20, Township 14 South, Range 2 West.

CITY MANAGER SUPPORTING INFORMATION:

The City acquired a surplus parcel through a state relinquishment at the northeast corner of Freeway 15 and Scripps Poway Parkway. The parcel is improved with a paved road which provides access to the open space area to the north. Shea Homes is developing the area to the east of the City parcel, and has filled and sloped the subject to support a level pad necessary to build a hotel. The parcel in question is not independently developable, as is, due to its irregular, elongated shape, and steep slope. The adjacent Shea Homes development, however, if allowed to incorporate the subject parcel, will raise its value from nominal to \$240,000 by virtue of its contribution to the new development. The City's access road will not be affected by the sale. Shea Homes executed a Right of Entry Permit in May 2000 to allow grading to proceed on the development, and as a term of the Permit, agreed to purchase the portion of City land affected by the grading for \$240,000 cash.

The parcel to be purchased by Shea homes contains 0.5944 acres or 25,892 square feet. The fair market value of the sale parcel is \$240,000, as determined by the City Valuation Staff.

FISCAL IMPACT:

The amount of \$240,000 will be deposited into Capital Outlay Fund 302453.

Herring/Griffith/ACG

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A570-585.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY, JUNE 5, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Limited 24-Hour Beach Alcohol Restriction.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/17/2001. (Council voted 5-3. Councilmembers Peters, Wear, Atkins, and Stevens and Mayor Murphy voted yea. Councilmembers Maienschein, Madaffer, and Inzunza voted nay. District 6 vacant.):

(O-2001-134 Cor. Copy) ADOPTED AS ORDINANCE O-18938 (New Series)

Amending Section 56.54 of the San Diego Municipal Code, pertaining to Alcohol Consumption in Beach Areas, to prohibit public consumption of alcohol for an 18 month trial period from June 1, 2001 to December 31, 2002 on the beaches facing both the ocean and Mission Bay: (i) in Mission Beach from the south jetty north to Pacific Beach Drive and (ii) in Pacific Beach from Pacific Beach Drive north to Felspar Street;

Directing the Police Department to collect the most accurate information possible on arrests and citations during this period;

Declaring that upon the termination of the trial period, the City Manager shall report to the Public Safety and Neighborhood Services Committee on the statistics during the period for alcohol-related violations of law and other problems in the beach areas covered by the provisions for Section 56.54.

SUPPORTING INFORMATION:

This matter was first heard at the Public Safety & Neighborhood Services Committee on January 24, 2001 and again on April 4, 2001. The original proposal was for citywide 24-hour beach alcohol restrictions but has been modified to an 18 month trial period applying only to those portions of Mission Beach and Pacific Beach, bay and ocean side, from the south jetty to the Crystal Pier. On April 4, 2001, after representative public testimony at both public hearings, PS&NS voted 2-2 on support for the modified proposal. The 18 month trial period seeks to

determine if a limited 24-hour beach alcohol restriction would reduce alcohol-related impacts in the community.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B001-E567.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE WITH THE FOLLOWING DIRECTIONS:

1. REPORT TO THE CITY COUNCIL ON OCTOBER 15, 2001, WITH AN INTERIM INFORMATION STATUS REPORT ON HOW THE ALCOHOL RESTRICTION HAS WORKED, AND AN EVALUATION OF WHETHER ALCOHOL RELATED PROBLEMS AND/OR INCIDENTS HAVE TRANSFERRED TO BEACHES NOT CURRENTLY INCLUDED IN THE RESTRICTION.
2. DIRECT THE CITY MANAGER TO HAVE DIALOGUE WITH REPRESENTATIVES FROM THE BEACH COMMUNITY GROUPS TO NOT ONLY ASSIST IN FORMULATING THE CRITERIA THAT WOULD BE USED TO MEASURE THE SUCCESS OF THE 18 MONTH TRIAL PROGRAM, BUT ALSO TO HEAR FROM THEM ON OTHER CRITERIA THAT THEY WOULD LIKE TO INCLUDE; SO THAT AT THE END OF 18 MONTHS THERE WILL BE SOME OBJECTIVE VERIFIABLE DATA BEFORE AND AFTER IN WHICH THE COUNCIL CAN DELIBERATE ON.
3. TO ACCEPT AND MAKE AS PART OF THE MOTION COUNCIL MEMBER PETER'S REQUEST TO DIRECT THE CITY MANAGER TO WORK WITH THE COUNCIL MEMBERS TO DEVELOP AN ALCOHOL PERMIT PROCESS FOR THE BAY AND OCEAN SIDE, SO THAT PERMITS FOR GROUPS SMALLER THAN 75 PEOPLE CAN BE ISSUED; JULY WOULD BE A REASONABLE TIME FRAME TO DO THAT.

Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant, Madaffer-nay, Inzunza-nay, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Scripps Ranch North Unit No. 10

COMMUNITY AREA

Miramar Ranch North

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:45 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Tape location: F011.)